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MICHAEL J. ASTRUE,
Commissioner of Social Security

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL R. MARASCO,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C 10-3970

**STIPULATED REQUEST FOR ORDER
EXTENDING TIME AND ~~PROPOSED~~
ORDER**

Judge: Honorable Paul S. Grewal

Pursuant to Civil L.R. 6-2(a), Plaintiff Michael R. Marasco and Defendant Michael J. Astrue, Commissioner of Social Security, by and through their undersigned counsel of record, jointly request that the motion of summary judgment deadlines be extended as set forth herein.

1 On Friday, December 16, 2011, the Court appointed *pro bono* counsel for the Plaintiff and
2 ordered Plaintiff's motion for summary judgment to be filed by January 17, 2012, any opposition
3 to be filed by February 21, 2012, and the reply to be filed by March 20, 2012 (Order Appointing
4 Counsel, Dkt. No. 37). However, given the ensuing holidays, Plaintiff's *pro bono* counsel were
5 not able to meet with Plaintiff until January 3, 2012 and still have not gained access to Plaintiff's
6 sealed administrative records located at the Court. Plaintiff's *pro bono* counsel need more time to
7 properly prepare Plaintiff's motion for summary judgment.

8 The Parties hereto have conferred and respectfully request that the Court amend the
9 briefing schedule as follows: (1) plaintiff's motion for summary judgment is to be filed by
10 February 17, 2012; (2) any opposition is to be filed by March 23, 2012; and (3) the reply is to be
11 filed by April 20, 2012.

12 Previous time modifications in the case. On August 29, 2011, Plaintiff filed a motion to
13 enlarge time for the order to show cause hearing so that he could obtain counsel (Dkt. No. 30),
14 which the Court denied as moot on September 23, 2011 (Dkt. No. 33). On August 30, 2011, the
15 Court continued the order to show cause to September 20, 2011 (Dkt. No. 31). At the September
16 20, 2011 hearing, Plaintiff requested additional time to retain counsel, which the Defendant did
17 not oppose. The Court then set a status conference for October 18, 2011 (Dkt. No. 32). At the
18 October 18, 2011 status conference, given Plaintiff's inability to retain counsel, the Court set a
19 further status conference for November 15, 2011 (Dkt. No. 34). At the November 15, 2011 status
20 conference, the Court set the date for Plaintiff to file his motion for summary judgment by
21 December 13, 2011, the opposition to be filed by January 17, 2012, and the reply to be filed by
22 February 14, 2012 (Dkt. No. 35). On December 7, 2011, the Court referred Plaintiff to the
23 Federal Pro Bono Project and stayed the action "until four weeks from the date an attorney is
24 appointed to represent [Plaintiff]" (Dkt. No. 36).

25 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

- 26 1. Plaintiff's motion for summary judgment shall be filed by February 17, 2012.
- 27 2. Any opposition brief shall be filed by March 23, 2012.
- 28 3. The reply shall be filed by April 20, 2012.

1 The Declaration of David J. Tsai is filed herewith in compliance with Civil L.R. 6-2(a).
2 The Parties do not anticipate that the requested modification of the briefing schedule will affect
3 other deadlines in this case.

4
5 DATED: January 5, 2012
6

7 PERKINS COIE LLP

8 By: /s/ David J. Tsai
9 David J. Tsai
10 Christopher T. Tom

11 Attorneys for Plaintiff
12 MICHAEL R. MARASCO

13 SOCIAL SECURITY ADMINISTRATION

14 By: /s/ Leo Rufino Montenegro
15 Leo Rufino Montenegro

16 Attorneys for Defendant
17 MICHAEL J. ASTRUE,
18 Commissioner of Social Security

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
20

21 Dated: Lcpwct{" , 2012

22 Paul S. Grewal
23 Hon. Paul S. Grewal
24 United States Magistrate Judge
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FILER'S ATTESTATION

I, David J. Tsai, am the ECF user whose ID and password are being used to file this STIPULATED REQUEST FOR ORDER EXTENDING TIME AND [PROPOSED] ORDER. In compliance with General Order No. 45, Section X.B., I hereby attest that concurrence in the filing of this document has been obtained from Leo Rufino Montenegro, counsel for Defendant.

DATED: January 5, 2012

PERKINS COIE LLP

By: /s/ David J. Tsai

David J. Tsai

Attorneys for Plaintiff
MICHAEL R. MARASCO